Remarks

Claims 1-3 and 7-18 currently appear in this application. The Office Action of July 30, 2007, has been carefully studied. These claims define novel and unobvious subject matter under Sections 102 and 103 of 35 U.S.C., and therefore should be allowed. Applicant respectfully requests favorable reconsideration, entry of the present amendment, and formal allowance of the claims.

Claim 1 has been amended so as to overcome the Examiner's rejection under 35 USC 103(a) as being unpatentable over Anchevskii et al in view of Li and further in view of Patterson et al.

This claim now states that the extract of Aphanizomenon-flos-aquae flos-aquae used in the claimed composition comprises proteins (between 0.05 to 1% m/m (mass ratio), vitamin B_{12} (between 0.003 to 0.05 m/m), lysine (between 0.02% and 3% m/m), proline (between 0.15% and 2.5% m/m) and serine (between 0.15 to 2.5 mm) and is obtained by at least maceration of dried Aphanizomenon-flos-aquae flos-aquae algae in the presence of cellulases, pectinases and glucanases, a liquid/solid separation by centrifugation, a liquid/liquid separation by a membrane filtration, drying and/or dilution in an aqueous solution of sorbitol and specific separation of the different constituents.

As stated in the applicant's specification Aphanizomenon-flos-aquae flos-aquae is an unique variety of cyanobacteria discovered in lake Klamath, Oregon (USA) and characterised by Li (Hydrobiology, 438: pages 99-105, 2000).

This variety is recommended as a food complement in preparations for its numerous constituents, notably their high content in highly assimilable proteins and the presence of vitamins B_6, B_{12} and F.

However its incorporation is topically usable composition was not considered as possible considering the low level of solubilization of the dried algae, its strong coloration, its strong smell and the lack of stability of its biochemical compounds.

The applicant's invention as claimed in the new claim 1 overcomes these drawbacks and presents numerous advantageous cosmetic properties which are fully explained in the specification text.

Such a composition and such results are not disclosed nor suggested in the Examiner's citation:

As stated by the Examiner Anchevskii et al does not disclose the specific variety of Aphanizomenon-flos-aquae var. flos-aquae in a released composition. In addition Anchevskii et al does not deal with the problems raised in the applicant's specification which render impossible to

incorporate a dried Aphanizomenon-flos-aquae var. flos-aquae in a cosmetic which is to be applied topically.

It is presumed that the powder of blue-green algae used Anchevskii does not present the drawback of the dried alga of Aphanizomenon-flos-aquae var. flos-aquae. In addition there is nothing in this cited document which shows that the blue-green algae used in this document presents the same properties that the claimed extract of Aphanizomenon-flos-aquae var. flos-aquae.

Li teaches the taxonomic of cyanobacteria gems Aphanizomenon-flos-aquae var. flos-aquae and indicates that this cyanobacteria is used as health food supplement. However Li does not state that these bacteria could be used as topic cosmetic.

Patterson et al discloses a new compound isolated from blue-green algae in topical applications for antifungal activity: In addition to the fact that this document does not concern Aphanizomenon-flos-aquae var. flos-aquae it should be observed that the applicant's composition does not exploit any antifungal activity. Antifungal products which are classified as pesticides are usually considered as having a certain toxicity which is not compatible with an use as health food as the use of Aphanizomenon-flos-aquae var. flos-aquae stated by

Li. This shows that the algae used by Patterson have not the same properties those Aphanizomenon-flos-aquae flos-aquae.

For these reasons, in contrast with the Examiner's assertion, the applicant's invention cannot be deduced from the teaching of Li, Patterson el al and Anchevskii.

For the same reason, the new claim 1 and claims2, 3, 7-18 which are depending on this new claim 1 are deemed to define a patentable subject matter.

In view of the foregoing, early and favourable reconsideration of this office action together with the allowance of the claims is respectfully solicited.

Respectfully submitted,

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